

REMARKS

The present invention provides an operative cage for birds and other small animals that can be assembled without any tools in a very economical manner. The sidewall of the cage is formed by a pair of U-shaped net or bar members that can be connected to a pair of solid plates with integral fastener joint portions. The U-shaped net members can employ a cantilevered pair of bars as element 8 in Figure 2 to enable to a snap connection with a roof member.

The pair of side net members can also have an elevated central end member with a larger vertical height than the curved side portions. Such a configuration can complement a U-shaped roof member.

A lower mount can support a slidable tray that can be provided with a perimeter step with a plurality of removable preventing pieces formed on the upper portion of the side wall of the mount 4 for engaging the cage main body or side wall. Individual components can be connected directly together without tools or separate fastener parts. Any connection parts or fasteners can be integrally formed or attached as a one-piece structure for the specific component.

As can be readily appreciated, small cages that are assembled by users have been proposed in the prior art, but there is a constant need to provide an improved configuration that can be packaged and sold in a compact storage container to save store shelf space while still enabling a user to quickly assembly and utilize the cage. The present invention does not require a separate frame structure to enable the individual sides, roof and lower mount structure to be connected to a frame, but rather permits each of these component parts to be directly connected in a secure manner.

The Office Action contended that each of the outstanding Claims 1-5 and 6-10 was completely anticipated by the *Plante et al.* (U.S. Patent No. 6,715,445).

The Office Action contended that a birdcage having a claimed pair of side net members could be taught by a combination of the *Plante et al.* side grills 46 and the corner tower assemblies 44. Actually, the corner tower assemblies in combination with the plastic base and cover assemblies comprises a solid plastic frame for a birdcage. See Column 4, lines 5-6 as follows:

“The base and cover assemblies 40 and 42 along with the corner towers 44 comprise the frame of the cage.”

The plastic frame structure with the semi-circular corner tower assemblies 44 are the key features of the *Plante et al.* teachings. As seen from Figure 18, the corner towers can be stacked upon each other to double the cage space available.

The *Plante et al.* reference was primarily concerned with addressing the waste and droppings of the birds and sought to provide a cage base assembly that included a baffle configuration about its periphery with corner towers of a plastic material, permitting the mounting of both perches, seed cup supports and fasteners on the frame to permit a snap-in and – out arrangement of the rectangular-shaped grills. The grills form the bars for the cage ventilation and are clearly not of a U-shaped configuration.

The Office Action erroneously defines the corner towers 44 as side net members as follows: “The side net members 44, 46” permit a sliding engagement with the side panels 48. However, elements 46 and 48 are merely rectangular side grills while the plastic corner towers are actually a part of the frame of the cage along with the base and cover assemblies 40 and 42 mentioned above.

The Office Action further contended that the roof member was erroneously connected to the net member 44 and 46 by engagement of the fasteners 133 and 132a, as shown in Figure 3-A.

Carefully reviewing Figure 3-A discloses that elements 133 are simply alignment posts at the top of the bulbous plastic corner towers, and 132a is a plastic catch for mounting within a receiving slot 135a in the plastic cover member 42a. The roof or top grill member is formed, as shown in Figure 1, by the top wire grill 156 which apparently is frictionally held within tracks 152 in the top cover frame so that the grill is held in place. See Column 6, lines 15-18.

As can be readily appreciated, a substantial portion of the *Plante et al.* reference comprises the bulbous plastic corner towers with the plastic cover and base member forming the frame of the cage. The grill members are simply designed to be snapped in and out of connections in the towers or mounted on sliding ramps in the plastic base member 40 or tracks on the plastic top cover member 42.

Applicant accordingly respectfully traverses the *Plante et al.* reference as an anticipatory reference under 35 U.S.C. § 102.

Referring, for example, to amended Claim 1, a side wall is defined as a pair of nets with integral small bent or curved side portions and a pair of plates with right and left end portions are connected, in a substantially flush manner, by integral joint portions to the right and left bent or curved side portions of the respective nets. Thus, these components are directly connected without any intermediate frame structure, and they have specific shapes, including a pair of plates and a pair of nets with integrally small, bent or curved portions to provide in a plan view a substantially U-shaped configuration. The plates can be formed of a solid light-transmitting material, and when connected together, are substantially flush between the pair of nets and the plates. There isn't any substantially flush interconnection between the plastic framed cage and the rectangular side grills taught in the *Plante et al.* disclosure.

Claim 5 has been further amended to define the integral cross-sectional U-configuration of each side net member and the solid plate configuration of the pair of side plate members.

Claim 10 had already called for a pair of side net members, net being the grilled configuration disclosed in our specification, and a pair of side plate members with joint fastener units that directly engage the pair of side plate members by sliding together to form the side wall of the cage assembly. The *Plante et al.* reference requires the corner towers to be positioned between the respective front, back and side grill members. The *Plante et al.* reference doesn't even disclose side plate members, let alone side plate members with joint fastener units, for engaging the side net members by sliding together.

Additionally, Claim 10 calls for a pair of side net members, including a cantilevered catch member biased to engage and hold the roof member on top of the side wall. The roof member of the *Plante et al.* reference, as shown in Figure 1, is the rectangular grill 156 that is slid in a track and bowed for frictional engagement. The side net members do not directly engage the roof member in the *Plante et al.* disclosure, let alone have a cantilevered catch member, as can be seen as element 8 in Figure 2 of our present invention.

The newly drafted dependent Claims 11 and 12 limit the independent Claims 5 and 10, respectively, by defining the elements of the cage assembly as only consisting of components in the independent claim, along with an operable door. These dependent claims further do not allow for the inclusion of a plastic frame member as taught in the *Plante et al.* disclosure.

Dependent Claims 13 and 14 further define a configuration of the roof member as also having a U-shaped configuration, while the side net members have elongated end members with a larger vertical height than the side portions, to thereby complement the configuration of the

U-shaped roof member. These features are not taught by *Plante et al.* or any combination of references cited of interest.

It is believed that the case is now in condition for allowance, and an early notification of the same is requested.

If the Examiner believes that a telephone interview will help further the prosecution of this case, she is respectfully requested to contact the undersigned attorney at the listed phone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 16, 2005.

By: Sharon Farnus



Signature

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Very truly yours,

SNELL & WILMER L.L.P.



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